

AUSTRALIAN PATENT OFFICE

WRITTEN OPINION

		Date of mailing <i>day/month/year</i>	5 SEP 2007
Applicant's or agent's file reference NP/14/06		REPLY DUE within FIVE MONTHS of the date of the Registrar's letter enclosing the written opinion	
Application No. SG 200600856-9	Application Filing Date (<i>day/month/year</i>) 10 August 2004	Priority Date (<i>day/month/year</i>) 12 August 2003	
International Patent Classification (IPC) (as indicated in the search report)			
Int. Cl. A01N 59/06 (2006.01) A01N 61/00 (2006.01) D01F 8/04 (2006.01) A01N 25/34 (2006.01) D01F 1/10 (2006.01)			
Applicant MOCHIGASE ELECTRICAL EQUIPMENT CO. LTD (JP) OTSUKI KOICHI			

1. This First written opinion consists of a total of 4 sheets.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the application
- VIII ☒ Certain observations on the application

3. The search report used was issued by the **JAPANESE Patent Office**, and the date of completion is: **11 November 2004**

4. If no reply is filed, the examination report will be established on the basis of this opinion.

5. The date by which the examination report will be established is: **12 May 2008**

Name and mailing address AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile no. 61 2 62853929	Authorized Officer ROSS OSBORNE
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I. Basis of the opinion

1. This opinion has been drawn on the basis of:

☒ the application as originally filed.

☐ the description, pages , as originally filed,
 pages , filed with the request,
 pages , received on with the letter of

☐ the claims, pages , as originally filed,
 pages , filed with the request,
 pages , received on with the letter of

☐ the drawings, sheets/fig. , as originally filed,
 sheets/fig. , filed with the request,
 sheets/fig. , received on with the letter of

☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of

2. The amendments have resulted in the cancellation of: pages:
 sheets of drawings/figures No :

3. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box.

4. Additional observations, if necessary:

V. Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 6, 7	YES
	Claims 1-5, 8-10	NO
Inventive step (IS)	Claims	YES
	Claims 1-10	NO
Industrial applicability (IA)	Claims 1-10	YES
	Claims	NO

2. Citations and explanations

D1 - JP 2001-226210 (English language family member US20010043953 viewed)

D2 - JP 8-333271 (English language family member US5747053 viewed)

D3 - EP1531923 (TRAPTEK LLC (US)) published 25 May 2005 (new citation)

NOVELTY (N) Claims 1-5, 8-10

The current application states that "the powdered oxide and/or hydroxide according to claim 1 is made of a carbonate mineral....."carbonate mineral" described in this specification include carbonate mineral such asaragonite and other carbonates mainly composed of calcium (more specifically CaCO₃)....."

D1 discloses antiviral compositions made from calcium carbonate minerals that are pulverised to a powder and can be mixed with water for application. Claims 1-5 and 8-10 lack novelty in the light of this citation.

INVENTIVE STEP (IS) Claims 1-10

Claims 1-5, 8-10 lack inventive step for reasons as given above and also because any variations covered by appended claims are routine modifications or applications.

D2 discloses fabric air cleaners containing antiviral material (see claim 17)

D3 discloses the use of encapsulated products including antivirals on fabrics (see claims).

The use of the product of D1 as an antiviral substance with the anti-viral containing capsules of D3 or the air filter of D2 would be simply the application of a material with known antiviral properties for a purpose that it would be expected to be suitable for.

INDUSTRIAL APPLICABILITY (IA) Claims 1-10

The provision of antiviral materials in a form suitable for filters and face masks has industrial applicability.

VIII. Certain observations on the application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The claims are not fully supported by the specification insofar as they include oxides/hydroxides that are not based on calcium carbonate and used to impregnate filters or similar articles. The search report was limited to the compounds that are defined in claim 2 and so this examination report is thus also limited to cover the invention so defined.

☒ The claimed invention is patentable according to Section 13(2); or

☐ The claimed invention is unpatentable according to Section 13(2) because:

☐ This application is a Divisional application filed under Section 26(6) of the Patents Act and discloses no additional matter extending beyond that disclosed in the Parent application.